

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BRODERICK ROBINSON #1022054	§	
	§	
V.	§	A-11-CA-238-SS
	§	
OFFICER LEE, et al.	§	

BRODERICK ROBINSON #1022054	§	
	§	
V.	§	A-11-CA-248-SS
	§	
SGT. JOHNSON, et al.	§	

BRODERICK ROBINSON #1022054	§	
	§	
V.	§	A-11-CA-279-SS
	§	
TRAVIS COUNTY MEDICAL	§	
DEPARTMENT, et al.	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

TO: THE HONORABLE SAM SPARKS
UNITED STATES DISTRICT JUDGE

The Magistrate Judge submits this Report and Recommendation to the District Court pursuant to 28 U.S.C. §636(b) and Rule 1(f) of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrates, as amended, effective December 1, 2002.

Before the Court are three civil rights complaints filed by Plaintiff. Plaintiff, proceeding pro se, has been granted leave to proceed in forma pauperis.

STATEMENT OF THE CASE

At the time he filed his complaints, Plaintiff was confined in the Travis County Jail or Travis County Correctional Complex. Plaintiff has recently been transferred to the Texas Department of Criminal Justice - Correctional Institutions Division (“TDCJ-CID”). In all three complaints Plaintiff seeks only injunctive relief. Specifically, in Cause No. A-11-CV-238-SS Plaintiff requests a temporary restraining order, a preliminary injunction, the transfer from the Travis County Correctional Complex to the Travis County Jail, and protective custody until he is returned to TDCJ-CID. In Cause No. A-11-CV-248-SS Plaintiff requests the Court to put a stop to the unjust denial and restriction of his inmate privileges and to prohibit staff from harassment, neglect and abuse. In Cause No. A-11-CV-279-SS Plaintiff requests an investigation and an injunction to stop employees from intentionally deleting, altering or removing restrictions in his medical file.

DISCUSSION AND ANALYSIS

Because Plaintiff seeks only injunctive relief and has been transferred to TDCJ-CID, Plaintiff’s complaints should be dismissed as moot. Biliski v. Harborth, 55 F.3d 160 (5th Cir. 1995) (dismissing as moot plaintiff’s request for a transfer from a county jail due to plaintiff’s subsequent transfer to the TDCJ); White v. Colorado, 82 F.3d 364 (10th Cir. 1996) (dismissing as moot plaintiff’s claims for prospective injunctive relief due to plaintiff’s release from prison); Garrett v. Angelone, 940 F. Supp. 933 (W.D. Vir. 1996) (dismissing as moot the plaintiff’s claims regarding the conditions at institutions from which the plaintiff had been transferred) (citing Williams v. Griffin, 952 F.2d 820 (4th Cir. 1991); Magee v. Waters, 810 F.2d 451 (4th Cir. 1987)).

RECOMMENDATION

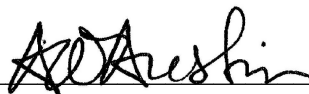
It is therefore recommended that Plaintiff's complaints be dismissed without prejudice as moot.

OBJECTIONS

Within 14 days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636 (b)(1)(C). Failure to file written objections to the proposed findings and recommendations contained within this report within 14 days after service shall bar an aggrieved party from de novo review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415 (5th Cir. 1996)(en banc); Thomas v. Arn, 474 U.S. 140, 148 (1985); Rodriguez v. Bowen, 857 F.2d 275, 276-277 (5th Cir. 1988).

To the extent that a party has not been served by the Clerk with this Report and Recommendation electronically, pursuant to the CM/ECF procedures of this District, the Clerk is ORDERED to mail such party a copy of this Report and Recommendation by certified mail, return receipt requested.

SIGNED this 26th day of April, 2011.

A handwritten signature in black ink, appearing to read "A. Austin", is written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE